

**DE 06-093**

**NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.**

**Petition for License to Construct and Maintain Electric Submarine Cable Under the Public Waters of Lake Winnepesaukee in Moultonborough, New Hampshire**

**Order *Nisi* Granting License to Construct and Maintain Electric Submarine Cable Under Public Waters**

**ORDER NO. 24,662**

**September 1, 2006**

On June 20, 2006, the New Hampshire Electric Cooperative, Inc. (NHEC) filed with the New Hampshire Public Utilities Commission a petition for a license to construct and maintain an electric cable and conduit under Lake Winnepesaukee in Moultonborough. NHEC filed the Petition pursuant to RSA 371:17, which requires a utility to obtain a license from the Commission before constructing utility facilities across any public waters.

According to the Petition, there are currently no electrical lines serving Basin Island, located on Lake Winnepesaukee. NHEC states that Thomas F. Loan owns a camp on Basin Island. NHEC and I.C. Reed & Sons, Inc. plan to construct a line from NHEC Pole No. 14920/39 in Moultonborough, overhead for a distance of 100 feet to a new NHEC Pole No. 14920/39.2, underground for about 150 feet to the water's edge and then underneath Lake Winnepesaukee for a distance of about 500 feet to Basin Island, to a new NHEC concrete valve, No. 14920/39.3, to be constructed on Basin Island. NHEC asserts that Mr. Loan has obtained a Wetlands and Non-Site Specific Permit from the N.H. Department of Environmental Services.

NHEC states that if this line is not constructed, the existing camp on Basin Island will be unable to obtain electrical service from NHEC. NHEC claims that in order to meet the reasonable requirements of service to the public, it is necessary that NHEC and I. C. Reed &

Sons, Inc. to construct a distribution line to the shore of, and lay cable under, Lake Winnepesaukee to Basin Island.

In support of its petition, NHEC submitted a location plan (Exhibit A), easements for construction of the line by Mr. Loan and an abutter, Ms. Edith Sanborn (Exhibits C and B respectively), and a copy of the Wetlands and Non-Site Specific Permit (Exhibit D). Staff filed data requests on July 24, 2006 and NHEC filed responses on July 28, 2006.

In response to the data requests, NHEC explained that 7,200 Volts is the standard single phase distribution voltage level in use by NHEC and that the primary line feed to the proposed submarine line to Basin Island will be 7,200 Volts. NHEC attests that the existing distribution line is adequate to provide one, 200 Amp 120/240 Volt residential service to the camp on Basin Island.

NHEC clarified that the submarine cable will be of Okonite manufacture and will consist of a 1/0 aluminum conductor in a 7,200 Volt submarine cable. According to NHEC, the cable will be insulated to a thickness of 1.720 inches with Trplx insulation. NHEC offered that the installation will be by trench from pole to an underwater depth of 6 inches below the lake floor. Installation will include concrete underwater cable covers consistent with NHEC Construction Standard U6-6B, a copy of which was submitted with the data responses.<sup>1</sup> NHEC indicated that it had 49 such installations in its service area and that the contractor selected for the project, I.C. Reed & Sons, is a bonded contractor with prior experience working for NHEC.

NHEC indicated that it would read the revenue meters manually two times per year. Finally, NHEC stated that the use and enjoyment by the public of these waters will not be diminished in any material respect as a result of the proposed submarine crossing.

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<sup>1</sup> NHEC also attached its construction standards (URD1W-1 and IUSUB) to its responses.

Based on review of the Petition and the responses to data requests, Staff concluded that the construction detail for the submarine cable meets good engineering practices and the National Electrical Safety Code (NESC). Staff also determined that because no future loads are anticipated on the new submarine cables beyond the single load on Basin Island, capacity is not an issue. Staff noted that construction will be performed by an NHEC certified contract who will meet NHEC's construction standards, and that the appropriate environmental permits were included with the Petition. Staff agreed that the crossing is necessary for NHEC to meet the requirements of reliable service to a customer within the NHEC authorized territory and that the proposed project, if implemented as set forth in the Petition as supplemented by the data responses, will result in NHEC providing safe and reliable service to the public based on sound engineering standards as specified in the NESC.

RSA 371:17 provides in part that whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line of poles or towers and wires and fixtures thereon over or across any of the public waters of New Hampshire, it shall petition the Commission for a license to construct and maintain the same. "Public waters," as defined in RSA 371:17, means "all ponds of more than ten acres, tidewater bodies, and such streams or portions thereof as the Commission may prescribe." Based on the information presented, the Commission regards the part of the Lake Winnepesaukee over the proposed submarine electric cable as "public waters" within the meaning of RSA 371:17.

Based on the information presented by NHEC and Staff's recommendation, we find such crossing necessary for NHEC to meet the reasonable requirements of reliable service to the public within NHEC's authorized franchise area and the requested license may be exercised

without substantially affecting the public rights in the waters of Lake Winnepesaukee. We find that the crossing is for the public good and we approve the petition on a *Nisi* basis in order to provide any interested party the opportunity to submit comments on said petition or to request a hearing.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, NHEC is authorized, pursuant to RSA 371:17 et seq., to construct, maintain and operate submarine cables under Lake Winnepesaukee to Basin Island; and it is

**FURTHER ORDERED**, that that NHEC operate this new crossing in conformance with the NESC; and it is

**FURTHER ORDERED**, that NHEC shall provide a copy of this order to the (i) Town Clerk of Moultonborough, (ii) New Hampshire Attorney General and the owners of the land bordering on said public waters at the location of the river crossing, pursuant to RSA 371:19, and (iii) pursuant to RSA 422-B:13, New Hampshire Department of Transportation and the Office of Secretary, U.S. Department of Commerce, by first class mail, no later than September 11, 2006, and to be documented by affidavit filed with this office on or before September 22, 2006; and it is

**FURTHER ORDERED**, that NHEC shall cause a copy of this Order *Nisi* to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than September 11, 2006 and to be documented by affidavit filed with this office on or before September 22, 2006; and it is

**FURTHER ORDERED**, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than September 15, 2006 for the Commission's consideration; and it is

**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than September 19, 2006; and it is

**FURTHER ORDERED**, that this Order *Nisi* shall be effective September 22, 2006, unless NHEC fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this first day of September, 2006.

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Thomas B. Getz  
Chairman

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Graham J. Morrison  
Commissioner

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Clifton C. Below  
Commissioner

Attested by:

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Debra A. Howland  
Executive Director & Secretary